

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405 STATE CAPITOL BUILDING
February 7, 2003**

Members Present: Sen. D.Chris Buttars, Co-Chair
Rep. David L. Hogue, Co-Chair
Sen. Patrice Arent
Rep. Ron Bigelow
Rep. Scott Daniels
Rep. Jim Dunnigan
Rep. Eric K. Hutchings
Rep. Brad King
Rep. Brad Last
Rep. Dana C. Love

Members Excused: Sen. Michael Waddoups

Staff Present: Jonathan Ball, Fiscal Analyst
Gary Ricks, Fiscal Analyst
Kevin Walthers, Fiscal Analyst
Greta Rodebush, Committee Secretary

Visitors List: List filed with Committee Minutes

Co-Chair Buttars called the meeting to order at 2:15 p.m. He explained that a prioritized list of recommendations for an additional 2 percent cut to FY 2004 Budget needs to be prepared and presented to the Republican and Democrat caucuses on Tuesday, February 11, 2004. The subcommittee would address those cuts later on in the meeting.

MOTION: Sen. Arent moved to approve the minutes of February 3, 2003. The motion passed unanimously.

Co-Chair Sen. Buttars invited Mont Evans to comment of Corrections Medical Services. The focus of CMS is to provide constitutionally mandated healthcare to criminal offenders in a cost effective way. Mr. Evans complimented Mr. Michael Chabrias and Dr. Richard Garden on their efforts to cost effectively provide healthcare to inmates in Utah. He stated that there is a need to examine the outsourcing of medical services either comprehensively or as components to determine if it this would generate additional tax savings in Utah. There are three issues that need to be addressed: private providers will indemnify the State against lawsuits, quality service must be met through accreditation standards, and cost savings need to be realized.

Mr. Evans proposed an inexpensive study utilizing medical experts in correctional medical care to determine whether or not outsourcing medical services or any portion thereof could realize cost savings. He suggested that the study be supervised by a neutral body, such as

the Legislative Fiscal Analyst Office or the State Auditors Office. The study would provide information needed to determine if Request for Proposal (RFP) is warranted.

Dr. Richard Garden, Director of Medical Services, spoke to changes that have been made in the Medical Services Program to cut costs and improve services. He felt that the CMS was doing a better job than any private provider could do. He welcomed the comparative analysis study suggested by Mr. Evans.

Mr. Steve Erickson, Director of Citizens Education Project, supports a study to examine outsourcing medical services. He noted that preliminary research that his organization has done shows that the private sector performance provision of medical services was not encouraging.

MOTION: Rep. Dunnigan moved to direct staff to prepare intent language to consider a study for the out-sourcing of inmate medical and clinical services in the Department of Corrections to include cost, liability, quality of service, and accreditation and to report back to the Executive Offices and Criminal Justice Appropriations Subcommittee between July and Oct, 2003. The motion passed unanimously.

Analyst Jonathan Ball brought to the subcommittee's attention amended budget sheets for the Department of Corrections. Under Tab 14, Department of Corrections Overview, page 3 and 4, the changes are as follows:

Programs

Corrections Programs & Operations	133,735,000
Department Medical Services	16,193,500
Utah Correctional Industries	13,950,000
Jail Contracting	18,086,200
Jail Reimbursement	<u>8,515,900</u>
Total	<u>\$190,480,600</u>

Under Tab 14, 1.0 Corrections Department, page 3 and 4, the new total for Corrections Programs & Operations is \$133,735,000. Under Tab 14, 4.1 Funding History, page 39, corrected Corrections Programs & Operations budget total is \$133,735,000.

Analyst Ricks noted amended changes to the budget for the Department of Public Safety. Under Tab 24, 1.0 Department of Public Safety, Overview, page 3, the new total budget for the FY 2004 budget for the Department of Public Safety is \$99,704,300. The Department of Transportation transferred \$532,700 to the Commissioner's Office. This is Maintenance and Operations money for the Cal Rampton Complex in West Valley City.

Under Tab 24, 3.1 Commissioner's Office, page 5, the new total budget for the Commissioners Office is \$1,913,800.

Under Tab 24, 3.20 UHP Federal Projects Program, page 29, there is a detail correction separating out the Dept. of Public Safety Restricted Account from the GFR-Nuclear Oversight. Totals remain the same.

Co-Chair Butters invited Commissioner Robert Flowers to comment on the FY 2004 budget recommendations. He will continue to not fill positions, cut fuel costs, look at the fleet, and cancel training and travel. Mr. Flowers expressed concerns that budget cuts were being considered for both the Fire Academy and Fire Fighter Training.

MOTION: Rep. Daniels moved to approve the fees listed under CITS Bureau of Criminal Identification (Tab 24, page 13) with the exception of increasing the Concealed Carry Weapons Renewal Fee to \$35.00.

SUBSTITUTE

MOTION: Rep. Hogue moved to continue testimony from the Department of Public Safety and not consider a decision on the Concealed Carry Weapons Renewal Fee until final decisions are made. No vote was taken.

Rep. Daniels agreed to the Substitute Motion.

Rep. Dunnigan inquired as to whether or not the Department of Public Safety's FY 2004 budget cut mitigations had been considered in determining FY 2004 budget recommendations. Analyst Ricks will report back to the subcommittee on Monday, February 10, 2003 as to how the FY 2004 budget recommendations address those mitigations.

MOTION: Rep. Hutchings moved to tentatively accept the Analyst's FY 2004 budget recommendations as amended for the Department of Public Safety and that the Analyst clarify budget considerations with the Department.

SUBSTITUTE

MOTION: Rep. Daniels moved to amend Rep. Hutchings motion to include the fee increase for Concealed Carry Weapons Renewal Fee from \$10.00 to \$35.00 and introduce legislation to insure that the additional increases go into the Department of Public Safety's budget. The motion failed with Sen Arent and Rep. Daniels voting in favor of the motion.

Rep. Hutchings withdrew his original motion.

MOTION: Rep. Hutchings moved to tentatively accept the Analyst's FY 2004 budget recommendations as amended for the Department of Public Safety to include discussions with the Agency over the weekend to make refinements to that budget for final budget approval. The motion passed unanimously with Sen. Arent and Rep. Daniels voting in opposition.

Co-Chair Buttars called for a five minute recess.

Upon returning from a recess, Co-Chair Buttars outlined a timed agenda for Courts that included presentation, public comment, and voting.

Courts

Kevin Walthers, Fiscal Analyst for Capital Facilities and Administrative Services, presented the FY 2004 budget recommendations for Courts. The Analyst presented a total FY 2004 budget for Courts of \$97,084,600. The programs within that budget are as follows:

Programs

Administration	73,538,000
Grand Jury	800
Contracts and Leases	18,480,400
Jury and Witness Fees	1,530,200
Guardian ad Litem	<u>3,535,200</u>
Total	<u>\$97,084,600</u>

2.11 The Analyst recommends the following intent language:

Judicial Council

It is the intent of the Legislature that the funds for each line item of the Judicial Council be nonlapsing.

Contracts and Leases

It is the intent of the Legislature that Contracts and Leases funds be nonlapsing.

Grand Jury

It is the intent of the Legislature that Grand Jury funds be nonlapsing.

Jury, Witness, and Interpreter

It is the intent of the Legislature that Jury, Witness, and Interpreter be nonlapsing.

Guardian Ad Litem

It is the intent of the Legislature that Guardian Ad Litem funds be nonlapsing.

Dan Becker, Deputy Court Administrator, commented on the Analyst's presentation and responded to questions from the subcommittee. He noted that the performance measures comparing case filings and FTE's needed to be looked at. He also stated that Contracts and Leases will be funded internally through the State Complex Fund with one time monies. Mr. Becker expressed concern about the loss of 94 positions to date and the expected loss of an additional 25 positions, one- time funding sources, and the loss of momentum to programs such as Drug Courts.

MOTION: Rep. Dunnigan moved to tentatively accept the Analyst's FY 2004 budget recommendations for Courts and direct the Analyst to work with Court Administrators to develop realistic performance measures and report back to the subcommittee. The motion passed unanimously.

Co-Chair Buttars addressed the next item on the agenda, preliminary voting on the Corrections Budget. Analyst Ball directed the subcommittee to review the amended total budget on Tab 14, Corrections Overview, page 3. The presented total budget for the Department of Corrections is \$190,480.600.

Michael Chabrias, Executive Director for the Department of Corrections, responded to questions from the subcommittee.

MOTION: Rep. Hutchings moved to tentatively accept the Analyst's FY 2004 budget recommendations as amended for the Department of Corrections. The motion passed unanimously with Sen. Arent, Rep. Daniels, and Rep. King voting in opposition.

Co-Chair Buttars referenced the Handout: Two Percent Reduction Options: Feb. 7, 2003. This is an across agency recommendation that has been proposed by the Analyst with input from the agencies. The options represent \$9.2 million in possible budget cuts. The subcommittee is only obligated to account for \$7.9 million. Co-Chair Buttars recommended that the Class A Supervision excluding sex offenders not be cut, but add to the list a \$1 million one-time allocation from the \$3 million budget surplus from the Department of Public Safety's Fire Academy Support Fund and \$300,000 on going from the Fire Academy's operating budget.

Rep. Bigelow explained that the process which has been set to insure full discussion on further cuts to the FY 2004 budget starts with the subcommittee preparing a prioritized list which will be submitted to both the Republican and Democrat caucuses. If funds are not available and additional cuts are necessary, Executive Appropriations will look at the prioritized lists and

determine whether or not a one-time supplemental appropriation can be made to cover some of those cuts.

The subcommittee heard responses from Michael Chabrias, Corrections, Blake Chard, Division of Youth Corrections, and Dan Becker, Courts on the two percent cuts.

Kelly Atkinson, Executive Director of the Fraternal Order of Police spoke to the subcommittee. He state that public safety will be compromised with the type of budget cuts that are being proposed. If those cuts are made, he said that Organizations, such as the Fraternal Order of Police, will speak out and say that they can no longer guarantee public safety at the levels we have enjoyed in the past.

Co-Chair Buttars stated that while this two percent cut list is the best one they have come up with, he didn't believe that the subcommittee could make those two percent cuts and protect the public's safety.

MOTION: Rep. Hutchings moved that the subcommittee communicate to the caucuses that any additional budget cuts will compromise the safety of the citizens of Utah and that the Executive Offices and Criminal Justice Appropriations Subcommittee will not be recommending a two percent reduction list. The Analyst was directed to prepare a letter to that effect. The motion passed unanimously.

MOTION: Rep. Hutchings moved to adjourn. The motion passed unanimously.

Co-Chair Buttars adjourned the meeting at 4:59 p.m.

Senator D. Chris Buttars, Co- Chair

Representative David L. Hogue, Co-Chair